Appl. No.: 10/709,221
Amendment dated September 8, 2008
Reply to Office Action of March 6, 2008

REMARKS

STATUS SUMMARY

Claims 15-36 are pending in the present application. All claims were rejected in the March 6, 2008 Office Action. Claims 29-33, and claim 36 have been canceled. Claims 15, 17, 19, 21, 24-26, 28, and 34-35 have been amended. Claims 37-43 have been added.

CLAIM REJECTIONS - 35 U.S.C. § 101

Claims 34-36 are rejected under 35 U.S.C. § 101. In order to expedite allowance of this set of claims, applicant has adhered to the Examiner's suggestion and amended claims 34-35 to use computer-readable medium, computer-readable instructions, and one or more computers in lieu of corresponding phrases that use machine in place of computer. Paragraphs [0035-0036] as published reference computer readable program code and related phrases. The concept of "computer" is given life by the specification and drawings. Additional changes to these claims are discussed in relation to the rejections based on cited art. Claim 36 has not been amended as it has been cancelled.

CLAIM REJECTIONS - 35 U.S.C. §§ 102 AND 103

Claims 15-17, 19-24 and 26-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kikuchi et al (US 6,553,180). The remaining claims were found to be obvious based primarily on Kikuchi. When the previously pending claims and the Kikuchi reference are properly understood, the claims were not anticipated by Kikuchi. In order to expedite allowance of the claims, selected claims have been amended to highlight the differences between the

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present invention and the Kikuchi reference. These changes are discussed claim by claim for the

convenience of the Examiner.

Claim 15

15. (Currently Amended) A method of archiving selected segments of recorded audio/visual data, comprising:

recording audio/visual data continuously using a recording device;

storing recorded audio/visual data on an interim storage device, the interim storage device in data communication with the recording device so that the interim storage device is receiving recorded audio/visual data while the recording device is recording audio/visual data;

allowing a user to mark selected segments of the recorded audio/visual data so as to identify portions of the recorded audio/visual data of significance to the user essentially in real-time without interrupting the recording;

allowing the user to associate at least the marked selected segments of audio/visual data with tag data identifying the content of the marked segments; and

~~categorizing the marked selected segments of audio/visual data using the associated tag data.~~

downloading marked segments of recorded audio/visual data from the interim storage device to a second storage device, different from the interim storage device, while using as a selection criterion for downloading that marked segments get downloaded.

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A)	B)	C)	D)
Record Audio/Visual Data	Transmit Audio/Visual Data while recording	Mark segments while still recording	Move marked segments to long term storage
Using PencilCam	Transmit from the PencilCam to the PocketPak		Marked Segments provided long term storage on LifeBox

TABLE 1 – Summary of One Aspect of the Present Application

One aspect of the present application can be summarized in Table A. As described in the specification, during a recording session using the PencilCam, selected segments are marked and the marked segments are moved to long term storage. In the example provided in the specification, the interim storage was a PocketPak and the long term storage was the LifeBox.

Marking in some manner or another predates human evolution and exists in many different contexts. Marking in this context means to identify a segment for selection to pass from the interim device to the long term storage device.

The Kikuchi reference addresses a very different problem. Per the statement of the problem in Col. 2 Lines 51-67, Kikuchi is looking to provide an easier solution to the problem of adding little pictures to menus showing what video segments can be selected. This is a post-recording process to make it easier to access certain selected sections of video and to simply make the menu look nicer.

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Claim 15 as amended picks up aspects of the present application summarized in Table 1.
Claim 15 neither reads on Kikuchi or is not an obvious variation of Kikuchi. For example, what
portion of Kikuchi may be performed on an incoming data feed from a recording device? How
is marking used to select marked segments for movement to a different storage device?

The Office Action suggests the Kikuchi FIG. 30 is relevant. However in Col. 27 starting
at line 30, the purpose of FIG. 30 is revealed and it does not appear relevant. FIG. 30 indicates
that a user reviewing the video-recorded contents, may provide input to designate the divisions
between logical scenes. This is post-production work reviewing (not viewing) recorded (not
recording) contents. Adding a series of "divide points" to break up a larger recording into scenes
or other logical segments has very little relevance to the present application that marks segments
for preservation while allowing others to be lost.

As noted in Col 36 line 41, other automated processes can be used to note logical divide
points such as stereo/monaural divide points. While these types of divide points can be
discerned and noted during the recording process, there does not seem to be a suggestion to toss
out all monaural material. So this type of automated notation of divide points is not relevant to
the present application.

Since Kikuchi provides a mechanism for creating thumbnail images to represent logical
sections of the recorded material, it would not be surprising if there was an ability to delete a
thumbnail sketch. Deleting a symbol for a recorded segment is not relevant to deciding whether
to keep the segment. Nor is the text starting on the bottom of Column 49 relevant as the ability
to selectively delete a program from a memory device is not what is being claimed.

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Claim 16

Claim 16 was previously presented but depends on currently amended claim 15. As noted in the application, there are a number of possible ways to mark segments for storage on the long term storage device. One of the ways is for the user to mark segments of the recorded audio visual data.

Claim 17

17.   (Currently Amended) The method of claim 15, further comprising ~~transferring at least the marked selected segments of audio/visual data to archival storage~~ allowing the interim storage device to overwrite segments of recorded audio/visual data but not allowing the interim storage device to overwrite marked segments of recorded audio/visual data that have not been downloaded to the second storage device.

Claim 17 picks up on a feature referenced in paragraph [0026] of the published application which sets forth that the PocketPak may be configured to overwrite sections that have not been marked to retention while not overwriting sections that have been marked for retention.

Claim 18

Claim 18 was previously presented but adds detail to the newly amended claim 15.

Claim 19

Claim 19 as amended notes that a user may tag a marked segment with at least one tag. Tagging is discussed at length in the present application and was present in Claim 15 as presented in an earlier response to the Office.

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Claim 20

Claim 20 was previously presented but adds detail to the newly amended claim 15.

Claim 21

Claim 21 adds detail to the concept of providing at least one tag. As noted in paragraph [0026] of the published application, the content of the tag may be selected in some implementations by selecting a tag from a previously defined set of tags, but the tag may also be selected through user input.

Claim 22

Claim 22 was previously presented but adds detail to the newly amended claim 15. Claim 22 addresses the same general subject matter covered in amended claim 17 but has slightly different claim requirements.

Claim 23

Claim 23 was previously presented but adds detail to the newly amended claim 15.

Claim 24

Amended claim 24 describes a system with a camera that transmits audio/visual data as it continues to record, a first storage device where a user may use an input device to mark segments of the audio/visual data received from the camera and associate tags with the marked segments.

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The system also calls for a capacity to automatically select marked segments for sending to an archival storage device. This combination of features is not present in Kikuchi as Kikuchi solves a very different problem.

Claim 25

Claim 25 has been amended to match amended claim 24 and to add detail.

Claim 26

Claim 26 has been amended to match amended claim 24 and to add detail.

Claim 27

Claim 27 was previously presented but adds detail to the newly amended claim 24.

Claim 28

Claim 28 has been amended to focus on aspects of the present application that address the selection by marking of audio visual segments and the protection of marked but not yet downloaded segments from being overwritten in the interim storage device as that device continues to receive audio/visual data during the recording on an extended event.

Claims 29-33

Claims 29-33 have been cancelled to limit the growth in the claim set from the addition of new claims.

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NEW CLAIMS

Claims 37-43 have been added, and are believed to be fully supported by the application as originally filed. Accordingly, no new matter is believed to have been added. Claims 37-39 add detail to the system of claim 24 and are supported by the material in paragraph [0027] of the application as published. Claims 40-42 add detail to the method of claim 28 and are supported by the material in paragraph [0027] of the application as published. Claim 43 has aspects of the present application previously found in claim 28 that are now moved to a dependent claim.

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CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

Although it is believed that the appropriate fees are submitted with this transmittal, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542.

Respectfully submitted,

THE ECLIPSE GROUP LLP

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